

- (i) **Yard Trash.** Leaves, grass trimmings, shrubs and shrubbery trimmings, twigs and other plant waste other than garbage and not including tree trimmings unless the material is properly placed in yard waste containers. Yard waste does not include dirt, rocks or stumps. Also called yard trimmings.

**Trash Can.** A container for residential and some light commercial type trash and sometimes referred to as a receptacle. (Ord. 99-23, 5-3-99)

#### **Sec. 4-2004. Right of entry.**

For purposes of discharging the duties of this Chapter and conducting investigations and enforcing this Chapter, the Director of Public Works and the employees of the Department of Public Works, the Code Enforcement Officer and all other personnel assigned to the enforcement of this Chapter shall have the right to enter any premises within City limits at all reasonable times. However, residences and secured outbuildings may not be entered without the consent of the occupant or property owner. (Ord. 99-23, 5-3-99)

#### **Sec. 4-2005. Littering and illegal dumping.**

(a) **Littering.** It shall be unlawful for any person who is the driver or a passenger or occupant of a vehicle, whether or not the vehicle is in motion, to throw or deposit any refuse or other litter upon any street, sidewalk or other public place or upon any private property. Further, the driver of an automobile shall be responsible for any refuse or other litter thrown from the vehicle being operated by the driver and the driver may be cited for a violation hereunder.

Likewise, it shall be unlawful for the driver or operator of a motor vehicle to permit, allow or suffer refuse or other waste to be blown from, fall off of or otherwise discharged onto any street, sidewalk or other public place or upon any private property.

(b) **Illegal Dumping.** It shall be unlawful for any person to unload, dump, deposit or bury any solid waste or other substance on (i) any public street, avenue, alley, highway, greenway, footway, sidewalk, park or other public place or on any land owned by the City or any other public authority, or (ii) the private property of any other private property owner without the consent of the owner.

However, this section shall not apply to the employees of the City of Morganton while discharging their duties.

(c) **Clean-up Required.** Any person violating this section shall clean up and remove the solid waste, litter, refuse or other material in a manner and within a time satisfactory to the Director of Public Works or other enforcement personnel; otherwise, the Department of Public Works may clean up and remove such refuse and material and the City shall be entitled to collect the cost of such cleaning-up and removal from the responsible person. (Ord. 99-23, 5-3-99)

#### **Sec. 4-2006. Collection practices and requirements.**

(a) **Residential.** Subject to the regulations set forth herein and unless directed otherwise by the City Council, the Department of Public Works shall collect, remove and dispose of the solid waste from each residence within the City of Morganton. For purposes of this section, a residence shall mean each occupied house, apartment or condominium and the occupant and/or owner of the residence may be referred to as a customer.

- (1) **Frequency.** Twice a week, backyard collection services will be provided to each residence. The frequency of collection may be changed in the event emergencies and circumstances require otherwise.
- (2) **Receptacle Required.** Each customer shall provide at least one metal or heavy duty plastic, water tight receptacle or can with a capacity not in excess of 35 gallons. The container, when full, shall not weigh more than 75 pounds. Additional containers may be required by the Director of Public Works, if a single receptacle is not sufficient. Heavy duty plastic bags may be used in addition to the normal receptacles; however, the bags when full shall not exceed 25 pounds in weight and shall not include sharp objects or other jagged edges that might puncture the bag or injure a sanitation worker.

A plastic bag for overflow garbage, household trash and refuse may be used provided the bag is properly secured and is not placed outside more than twelve (12) hours prior to the normal scheduled collection time.

For multi-unit apartments and condominium complexes, a bulk container of sufficient size may also be used instead of individual trashcans.

- (3) *Replacement of Receptacle.* Old worn out trashcans and other receptacles that do not meet the requirements of this subsection shall be replaced at the direction of the Public Works Department. Written notice shall be provided to the customer and the customer shall provide additional or replacement receptacles within ten (10) days.
- (4) *Location.* All trash receptacles shall be placed in a location that is convenient and readily accessible for collection by the sanitation division. Sanitation employees shall not enter any residence or other building for the purpose of collecting garbage, household trash and refuse.
- (5) *Sanitary Conditions.* The area around all receptacles shall be kept in a clean, sanitary condition free of litter. The customer shall be responsible for all garbage, refuse, or other waste scattered about because of dogs or other animals and may be required to secure the area around the receptacles to prevent such conditions. The failure to properly maintain the area around a receptacle shall be a nuisance in violation of Section 8-4002 of this Code.
- (6) *Type of Service.* Residential service shall include the collection of garbage, household trash, refuse and light rubbish that will fit into the required receptacle. Residential service shall not include the collection of hazardous material and neither the customer nor any one else shall deposit hazardous materials in trashcans for collection by the City except that needles and syringes, and home medications may be disposed of if properly packaged in a protective container such as a milk jug, solid plastic jug or similar container that is impervious to puncture or tear.

Warm ashes, hot or smoldering coals or other hot material shall not be disposed of in a trash can. Cardboard, recyclable waste or other materials that require separating and/or special handling at the Burke County Landfill (Landfill) or other disposal site shall be collected and disposed of by the property owner and/or occupant at the Landfill and the City shall not collect such solid wastes. Solid waste that subjects the City to special tipping fees, fines or surcharges shall not be disposed of in trashcans for residential pickup without special arrangements including an appropriate fee with the Public Works Department.

- (7) *Curbside Services.* The Department of Public Works shall also collect, remove and dispose of certain other solid waste materials properly placed at the rear of the curb or ditch along the adjacent street.

*Leaves.* Leaf pickup and disposal service shall be provided as necessary beginning in October of each calendar year and completed by January of the next succeeding year. The Director of Public Works shall schedule such service as conditions require. Generally leaves should be bagged; however, loose leaves will be picked up by the City if raked or blown and placed at the rear of the curb or ditch along the adjacent road. After February 1 of each calendar year, only leaves properly bagged will be collected until next leaf (Fall) season.

Leaves (either bagged or loose) shall not be placed in the travel lane of adjacent streets nor shall the travel along public sidewalks be impeded.

It shall be unlawful for any resident or any, contractor or person providing services to a resident to scatter or blow or rake leaves into the traveled portion of any adjacent street.

*Rough Trash.* Rough trash will be picked up and disposed of by the Department of Public Works as needed. Rough trash should be placed at the rear of the curb or ditch line along the adjacent street and it shall be unlawful to block any sidewalk or any lane of travel of any street with rough trash. Rough trash may be placed in a heavy-duty bag that is capable of resisting punctures or tearing so long as such bags when full do not exceed 25 pounds in weight.

*Cardboard.* The Department of Public Works shall not collect or dispose of cardboard or excessive amounts of styrofoam. Customers or residents shall dispose of cardboard by recycling at appropriate recycling centers approved and designated by the City including the Burke County Landfill.

*Tires.* Tires placed immediately behind the curb or drainage ditch of the adjacent street shall be collected and disposed of by the Department of Public Works provided the tires are removed from the rims.

*Brush.* Brush placed behind the curb or ditch along any public street shall be collected by the Department of Public Works as necessary, provided such brush is not placed beneath power lines or in a place that prevents the safe operation of mechanical equipment. Stumps, logs and dirt shall not be disposed of with brush and the City shall not pick up or dispose of stumps, logs or dirt. The property owner and/or occupant shall properly dispose of such items at the Landfill or by private contract or other appropriate methods.

Further, excessive brush caused by tree trimming services, logging operations, or other tree cutting operations provided by private contractors shall be collected and disposed of in a proper manner by the private contractor and such materials shall not be placed at curbside for pickup by the City.

**Yard Trash.** As needed, yard trimmings shall be collected and disposed of by the Department of Public Works provided such materials are properly placed in a heavy duty plastic bag (clear, if possible) capable of resisting punctures or tearing and placed at the rear of the curb or ditch along the adjacent street. When full, bags shall not exceed 25 pounds in weight.

**Building Rubbish.** Building rubbish from construction sites or caused by the remodeling and repair of houses or landscaping operations shall not be collected or disposed of by the Department of Public Works except as specifically permitted herein. Further, it shall be unlawful for any owner or occupant of a residence or any contractor providing services to the owner or occupant of a residence to fail or to refuse to properly dispose of building rubbish immediately after construction is finished.

However, small amounts of building rubbish caused by minor repairs and renovations to a residence especially if the work is done by the homeowner or occupant of the residence may be collected by the Department of Public Works with the consent of the Director of Public Works. The removal shall be at the expense of the owner and/or occupant. Building rubbish subject to removal by the City shall be placed at the rear of the curb or ditch along any adjacent street but in a location so that the material can be safely removed using mechanical equipment.

- (8) **Special Collection Services.** With the consent of the Director of Public Works and as the needs of the City will permit, the owner or occupant of a residence may contract with the City to collect and dispose of solid wastes that are not otherwise collectible hereunder. Arrangements for such collection and disposal shall be made directly with the Director of Public Works or someone designated by the Director of Public Works and a fee charged.
- (9) **Fee.** Normal rear yard collection services and normal curbside collection services for residential customers shall be provided by the City without charge. Customers contracting for special services or requiring the collection and disposal of solid waste that requires special handling may be charged a fee for such services as established by the Schedule of Fees and Charges approved by the City Council from time to time. Prior to imposing such fees, the customer shall be advised of the estimated cost and shall be provided a reasonable opportunity to contract for the collection and disposal of the solid waste by some other method.

Additionally, fines, penalties, surcharges and special charges assessed against the City by the Burke County Landfill or other disposal site caused by the inappropriate disposal of solid waste by a customer shall be billed to that customer. The customer shall pay such sum to the City as a condition of continuing to receive service.

(b) **Commercial.** Subject to the regulations set forth herein and unless directed otherwise by the City Council, the Department of Public Works shall collect, remove and dispose of the solid waste from commercial establishments within the City of Morganton. For purposes of this section, a commercial establishment shall mean any retail or wholesale place of business, place where services are provided or other similar commercial establishment, and the owner and/or occupant of the place of business may be referred to as a customer.

- (1) **Frequency.** Bulk container collection and disposal service and trash can collection service shall be provided as needed and as contracted for by the customer. The frequency of collection may be changed in the event emergencies and/or circumstances require otherwise.
- (2) **Receptacles Required.** Each customer shall provide at least one appropriate metal or heavy duty plastic, watertight receptacle with a capacity not in excess of 35 gallons. The container, when full, shall not weigh more than 75 pounds. The Director of Public Works may require additional trash receptacles if the volume of trash is excessive and if necessary may require the use of a dumpster. Subject to the additional requirements hereunder, heavy-duty plastic bags may be used in addition to the normal trash receptacle; however, the bags when full shall not exceed 25 pounds in weight and shall not include sharp objects or other jagged edges that might puncture the bag or injure a sanitation worker.

The use of a plastic bag for overflow garbage may be allowed provided the bag is properly secured and is not placed outside of a receptacle more than 12 hours prior to the normal scheduled collection time.

Customers using or required to use a dumpster shall provide a 2, 4, 6 or 8 yard (volume) bulk container of a type that is capable of being emptied by the trucks utilized by the City. The dumpster shall be capable of being secured from use by unauthorized individuals.



- (3) *Replacement of Receptacle.* Old worn out trash cans, bulk containers and other receptacles that do not meet the requirements of this section shall be replaced at the direction of the Director of Public Works. Written notice shall be provided to the customer and the customer shall provide additional replacement receptacles within ten (10) days.
- (4) *Location.* All trash receptacles and bulk containers shall be placed in a location that is convenient and readily accessible for collection by the sanitation division. Sanitation employees shall not enter any place of business or building for the purpose of collecting business trash.
- (5) *Sanitary Conditions.* The area around all receptacles shall be kept in a clean and sanitary condition free of litter. The customer shall be responsible for all garbage, refuse or other waste scattered about because of dogs or other animals or because of vandalism and may be required to secure the area around the receptacles to prevent such conditions. Further, the customer shall reimburse the City for all expenses incurred by the City in cleaning up garbage, refuse or other waste scattered about because of dogs or other animals or because of vandalism.
- (6) *Type of Service.* Commercial service shall include the collection of business trash and refuse and other light rubbish that will fit into the required receptacle. Commercial service shall not include the collection of hazardous material and neither the customer nor anyone else shall deposit hazardous materials in commercial receptacles for collection by the City. The City shall not collect cardboard and each commercial establishment shall be responsible for the disposal of such materials at the landfill through a separate, private service provider or by disposing of the materials directly at landfills.
- (7) *Special Collection Services.* With the consent of the Director of Public Works and as the needs of the City will permit the owner or occupant of a commercial establishment may contract with the City to collect and dispose of solid wastes that are not otherwise collectible hereunder.

Arrangements for such collection and disposal shall be made directly with the Director of Public Works or someone designated by the Director of Public Works and a fee charged for such services. Unless such arrangements are made with the City, the owner or occupant shall be responsible for the disposal of such solid waste and the failure to properly dispose of such waste shall be unlawful and may also be a nuisance under Section 8-4.002 of this Code.

- (8) *Fee.* For all other commercial collection services, including both bulk container and trash cans as well as any special services, the customer shall be charged a fee as established by the Schedule of Fees and Charges approved by the City Council from time to time.

Additionally, fines, penalties, surcharges and other special charges assessed against the City by the Burke County Landfill or other disposal site caused by the inappropriate disposal of solid waste by a commercial customer shall be billed to that commercial customer and the customer shall pay such sum to the City as a condition of continuing to receive service.

(c) *Industrial.* Solid waste from factories, processing plants and other manufacturing operations (i.e. industrial waste) shall be collected and disposed of by the owner and/or occupant of the particular industrial establishment and the City shall not collect such solid waste nor be responsible for the disposal of the same. However, it shall be unlawful for any industrial establishment to fail or refuse to collect and properly dispose of its solid waste and the failure shall be a nuisance under Section 8-4002 of this Code. (Ord. 99-23, 5-3-99)

#### **Sec. 4-2007. Recycling centers.**

Recycling centers and disposal sites maintained by the City of Morganton shall be available for use by residents of the City and by commercial establishments located within the City. No other person or commercial establishment shall use such recycling and disposal centers for the disposal their solid waste.

Individuals and commercial establishments using a disposal or recycling center shall properly dispose of all solid waste in the appropriate bins in accordance with the instructions posted at such center and it shall be unlawful for any person to improperly dispose of such materials by littering the grounds around the centers or by placing the materials on the ground or in an inappropriate bin. (Ord. 99-23, 5-3-99)